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C O N F I D E N T I A L PORT LOUIS 000378

SIPDIS

DEPT FOR PM/SNA, L  
AF/E FOR MARIA BEYZEROV

E.O. 12958: DECL: 11/23/2019  
TAGS: PREL MARR PGOV MP SE  
SUBJECT: MAURITIUS SOFA DISCUSSION: SMALL STEPS

REF: A. PORT LOUIS 313  
    B. PORT LOUIS 366

Classified By: CDA R. Barrie Walkley, for reasons 1.4 (b, d).

¶1. (C) This is an action message. Please see para 10 below.

¶2. SUMMARY: On November 17, in a meeting arranged at the Prime Minister's request, Embassy officials met with the Mauritian Foreign Minister and officials from his ministry, the Prime Minister's office, and the State Law Office. The GOM officials raised a series of concerns regarding the boilerplate SOFA text, which they have had for circa one year. Emboffs answered objections and stressed the benefits of a SOFA in an insecure world. The Foreign Minister noted his government's willingness to dialogue with the USG on signing a SOFA, while the assembled group had a series of questions and requests to aid the GOM consideration of the proposed language. Post requests Africa Command assistance in the next phase of discussions with GOM. END SUMMARY.

¶3. (C) On November 17, a meeting took place between Emboffs and an ad hoc committee led by Minister of Foreign Affairs Arvin Boolell to discuss steps forward on a possible Status of Forces Agreement (SOFA) between the U.S. Government and the Government of Mauritius (GOM). The Embassy team was led by Charge d'Affaires (CDA) Virginia Blaser, while the Minister was accompanied by Mrs. Doreen Fong-Weng Poorun, the acting Permanent Secretary of the Prime Minister's office, Aruna Narain of the State Law Office, and several officials from the MFA. After a previous series of meetings seemed to lead to little progress (ref A), this meeting was called at the invitation of the ForMin after the Charge's recent meeting with the PM (ref B).

¶4. (C) The ForMin noted in opening the meeting that there were "sensitive, difficult issues" that, if sorted out, would allow a SOFA to be signed, emphasizing that a SOFA would have to be in accord with "existing legislation" in Mauritius. He noted with a smile that signing a SOFA would have to be handled so as not to "send signals of a 'big U.S. military buildup in the region.'"

¶5. (C) Mrs. Fong-Weng Poorun of the PM's office listed points for discussion, either noting difficulties or requesting clarification:

- (1) The granting of "privileges and immunities" to military personnel, which is not normal Mauritian practice.
- (2) Examples were requested of "mutually agreed activities." (Note: these were provided by Embassy team and this point seemed addressed by the end of the meeting.)
- (3) The carrying of arms is "very sensitive," as it is "not in accord with local law or practice" for non-citizens to

bear arms in Mauritius. Would it be possible to see what other countries, with similar laws, had in their USG-host nation SOFAs?

(4) The USG exercise of "criminal jurisdiction of United States personnel while in Mauritius" could be problematic.

(5) The authorization to "wear uniforms while performing official duties" needed to be explained. (Note: Emboffs made this explanation and host nation appeared satisfied.)

(6) Clarification was requested on whether the US would give notice that any of its visiting ships would be carrying nuclear weapons, or would be nuclear powered. (Note: Embassy noted that current USG-Mauritius forms and declarations would not change under a SOFA. GOM counterparts seemed to accept this and consider the question resolved.)

¶6. (C) An additional point was later raised by Mrs. Narain. Due to Mauritian sensitivities over Diego Garcia and the Chagos Archipelago, she said, the GOM could not consider entering into a SOFA without understanding how the U.S. SOFA with the UK refers to that disputed territory. She asked for a copy of the agreement with the UK. The FoRmin agreed that the GOM would like to see a copy of the agreement, noting the sensitivities surrounding the UK proposal, recently in the news, for a protected marine park in the Chagos Archipelago. He asked for a copy of the latest SOFA agreement with the Seychelles as well, and "others, if possible." Charge noted that the Seychelles agreement was, in essence, nearly identical to the boilerplate proposal made to Mauritius the previous year.

¶7. (C) When Mrs. Narain was told that the strict nature of the U.S. Uniform Code of Military Justice (UCMJ) should assuage Mauritian concerns about allowing the U.S. to prosecute U.S. military personnel over offenses committed in Mauritian territory, she noted a possible counter-proposal to the draft SOFA language, stating that instead Mauritius might be able to accept language that would allow the GOM to make a choice, such that the Mauritian "Department of Public Prosecution would retain the right to prosecute in Mauritian courts." She called this "a parallel mechanism."

¶8. (C) Emboffs led by the CDA explained carefully that a SOFA would not involve a loss of sovereignty for the GOM any more than it did for the 100 plus countries which have such agreements with the U.S. Emboffs explained the issues on which the Mauritian officials were unclear. Among other points, Emboffs emphasized the severity of the UCMJ, and stressed the importance of a SOFA in the context of the creation of Africa Command and the increasing security threats in the region. The middle of a crisis, the CDA noted, was not the best time to negotiate a SOFA. The CDA asked for a counterproposal from the GOM, but Mrs. Narain said the time was not ripe for a formal GOM counterproposal, as GOM would like to understand the SOFA and SOFA options better; she recommended a SOFA team come to Mauritius for direct discussions on points raised.

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COMMENT AND ACTION REQUEST

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¶9. (C) While the PM appears positive about a SOFA in person, his office appears to have concerns that are difficult for the Embassy team to assuage. The same is true for the State Law Office. This provides cover for the ForMin, whose biggest concern seemed to be how such an agreement would play out politically in the context of the Mauritian claim on the Chagos Archipelago and on upcoming elections, due to be declared for sometime between December and July.. Perhaps the biggest issue is simply inertia in an election year: as long as the GOM sees the threat of piracy as a Seychellois and African coast problem, overcoming GOM concerns with a proposed SOFA will take focused effort from DOS and DOD stakeholders.

¶10. (C) Given recent success in gaining a SOFA with Seychelles, Post considers it worth a focused effort to see if we can collectively move forward on a Mauritius SOFA as

well. Post believes the next step would be to take up the GOM's request/offer for a face-to-face informational exchange with SOFA experts. If possible, Post requests the same Africa Command team that worked our Seychelles SOFA efforts to also visit Post to assist with GOM discussions. At that time, we could also provide any cleared SOFA examples from other countries, per GOM request. At the conclusion of these discussions, the collective USG stakeholders could determine whether future efforts on a Mauritian SOFA continue to merit the effort/resources, and, if so, determine forward plans to see a SOFA to conclusion.

WALKLEY